

AMENDED IN SENATE MARCH 22, 2011

**SENATE BILL**

**No. 893**

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**Introduced by Senator Wolk**

February 18, 2011

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~~An act to amend Section 23040 of the Revenue and Taxation Code, relating to taxation. An act to add and repeal Chapter 3.6 (commencing with Section 6280) of Division 7 of Title 1 of the Government Code, relating to governmental efficiency.~~

LEGISLATIVE COUNSEL'S DIGEST

SB 893, as amended, Wolk. ~~Corporation taxes. Governmental programs: information sharing.~~

*Existing law establishes an inalienable right to privacy.*

*Existing law establishes the California Health and Human Services Agency within state government, and the California Research Bureau in the California state library.*

*Existing law, the California Public Records Act, provides that public records are open to inspection at all times during the office hours of the state or local agency and establishes that every person has a right to inspect any public record, except as provided in the act.*

*This bill, until January 1, 2014 would provide the California Research Bureau access to information maintained by state agencies, including information that, in aggregate and detail form, is otherwise deemed confidential, when access to that information is required by the California Research Bureau for purposes of responding to a research request, made in writing, from an elected state officer or his or her duly recognized representative. The bill would, among other things, authorize the California Research Bureau to use information within its control in the preparation of its reports, documents, and related materials, as*

*specified. The bill would require the Secretary Health and Human Services to establish an information sharing plan for the state and, by January 30, 2013, transmit the plan to the Legislature.*

~~The Corporation Tax Law provides that income derived from or attributable to sources within this state includes income from specified types of property.~~

~~This bill would make technical, nonsubstantive changes to those provisions.~~

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~-yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1     *SECTION 1. The Legislature hereby finds and declares all of*  
2     *the following:*

3     *(a) It is the intent of the Legislature to improve access to*  
4     *information that can inform the work of state officials in the pursuit*  
5     *of their duties in crafting legislation, allocating resources, and*  
6     *performing oversight responsibilities.*

7     *(b) Information described in subdivision (a) includes information*  
8     *on the quality, effectiveness, and costs of public programs,*  
9     *information on how well individuals are served by those programs,*  
10    *the efficacy of programs, including programs that provide*  
11    *prevention and early intervention services, and the outcomes*  
12    *achieved for individuals and communities.*

13    *(c) It is the intent of the Legislature to promote accountability*  
14    *and transparency in the operations of state government by*  
15    *improving access to information on the outcomes achieved through*  
16    *those operations.*

17    *(d) Improved access to information maintained by state agencies*  
18    *is necessary to perform the oversight role of the Legislature and*  
19    *other state elected officials.*

20    *(e) It is the intent of the Legislature to improve access to*  
21    *information while preserving the confidentiality or anonymity of*  
22    *sensitive and private information.*

23    *(f) It is in the public interest to maintain private that information*  
24    *that is deemed confidential, including information on individuals,*  
25    *information that could be used to determine the identity of*  
26    *individuals, and information of a confidential nature, including*  
27    *health and related information, and information on public*

1 *employees or others who work in sensitive areas or where the*  
2 *release of personal or related information could result in a risk*  
3 *of harm.*

4 *(g) In order to facilitate improved outcomes, through the*  
5 *efficient and effective delivery of services through state programs,*  
6 *it is the intent of the Legislature that the Governor, the Speaker*  
7 *of the Assembly, and the President pro Tempore of the Senate*  
8 *together establish a performance unit in state government*  
9 *responsible for improving the quality of state operations and*  
10 *programs.*

11 *SEC. 2. Chapter 3.6 (commencing with Section 6280) is added*  
12 *to Division 7 of Title 1 of the Government Code, to read:*

13  
14 *CHAPTER 3.6. INFORMATION SHARING WITH THE CALIFORNIA*  
15 *RESEARCH BUREAU*

16  
17 *6280. (a) For the purposes of meeting the information needs*  
18 *of the Governor, the Legislature, and the state's other*  
19 *constitutional officers, notwithstanding any other provision of law*  
20 *and to the extent permitted by federal law, the California Research*  
21 *Bureau shall have access to information maintained by state*  
22 *agencies, including information that, in aggregate and detail form,*  
23 *is otherwise deemed confidential, when access to that information*  
24 *is required by the California Research Bureau for purposes of*  
25 *responding to a research request, made in writing, from an elected*  
26 *state officer or his or her duly recognized representative.*

27 *(b) Information that is provided to the bureau shall retain all*  
28 *of its protections under the law from disclosure, as if it were not*  
29 *transmitted to the bureau.*

30 *(c) Prior to receiving information that is recognized under state*  
31 *or federal statute as confidential or sensitive in nature, the bureau*  
32 *shall adopt protocols to protect that information from disclosure*  
33 *that shall be consistent with the protocols in place at the agency*  
34 *department, or other state entity that is transmitting the*  
35 *information. These protocols may address how the bureau accesses*  
36 *the data within the confines of the agency, department, or other*  
37 *state entity where the data reside, as determined by the bureau.*

38 *(d) For purposes of fulfilling its mission to respond to the*  
39 *information needs of the Governor, the Legislature, and*  
40 *California's other constitutional officers, the bureau may use*

1 information within its control in the preparation of its reports,  
2 documents, and related materials. The bureau shall not release  
3 information on individuals that is deemed confidential, but may  
4 release information in aggregate forms where personally  
5 identifiable is removed, thus eliminating the risk that the  
6 information can be linked to individuals.

7 (e) The bureau shall take all necessary precautions to ensure  
8 that its access to information does not reveal information that is  
9 intended to remain private or confidential under the law.

10 (f) Nothing in this chapter shall be construed to create public  
11 access to information that is not already accessible through other  
12 legal avenues. All legal protections against the release of private  
13 and confidential information shall remain in place pursuant to  
14 this section except as explicitly authorized herein.

15 6281. (a) To improve data sharing among state agencies and to  
16 facilitate information sharing among local agencies, the Secretary  
17 of the California Health and Human Services shall establish an  
18 information sharing plan for the State that accomplishes all of the  
19 following:

20 (1) Enables the exchange of information among state agencies,  
21 local agencies, and between state and local agencies as is  
22 necessary for tracking costs, conducting research on best practices,  
23 and improving the efficiency and effectiveness of public services,  
24 including prioritizing access to prevention and early intervention  
25 services.

26 (2) Provides state and local agencies and the public with  
27 information on the effectiveness of public services.

28 (3) Permits the Legislature and the public to monitor the  
29 outcomes accomplished for the individuals receiving services  
30 through public programs under the jurisdiction of the state or  
31 local agency. Those outcomes shall include, but are not limited  
32 to, measures of employment, education, housing and homelessness,  
33 health, safety, and criminal justice involvement or related  
34 information that is useful for communicating to the public and  
35 policymakers the quality, effectiveness, and value of those public  
36 services.

37 (b) To draft the information sharing plan, the secretary shall  
38 consult with state and local officials, clients and consumers who  
39 receive government services, service providers, the public, and  
40 others.

1 (c) By January 30, 2013, the California Health and Human  
2 Services Agency shall transmit the information sharing plan to the  
3 Legislature, including any recommendations for statutory,  
4 regulatory, or other reforms that are needed to achieve the goals  
5 of that plan.

6 (d) The information sharing plan shall include provisions to  
7 protect the privacy of individuals.

8 6282. This chapter shall remain in effect only until January 1,  
9 2014, and as of that date is repealed, unless a later enacted statute,  
10 that is enacted before January 1, 2014, deletes or extends that  
11 date.

12 ~~SECTION 1. Section 23040 of the Revenue and Taxation Code~~  
13 ~~is amended to read:~~

14 ~~23040. Income derived from or attributable to sources within~~  
15 ~~this state includes income from tangible or intangible property~~  
16 ~~located or having a situs in this state and income from any activities~~  
17 ~~carried on in this state, regardless of whether carried on in~~  
18 ~~intrastate, interstate, or foreign commerce.~~